

Remarks/Arguments

The Office Action dated April 14 has been received and carefully studied.

The Examiner rejects claim 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By way of the accompanying amendments, claim 6 has been cancelled.

The Examiner rejects Claims 1-7 under 35 U.S.C. §102(e) as being anticipated by Khare et al, U.S. Patent Application Publication No. 2003/0131201. The Examiner states that Khare discloses a plurality of computing subsystems, each comprising a processor unit and a local cache memory element, a network switching element, comprising a plurality of ports and a storage element, each of said plurality of subsystems being in communication with a different port of said network switching element, said switching element being adapted to monitor transactions transmitted via said ports and generated by said plurality of subsystems, interpret said transactions to determine the status of each of said cache memory elements and store said status information in said storage element, and route future transactions to a subset of said subsystems based on said stored status information.

This rejection is respectfully traversed. Claims 1 and 7 both specifically state that the switching element is a network switching element. The specification has references throughout it to the fact that this switching element is not a special-purpose switch designed to simply perform cache coherency management. For example, the final paragraph of the specification notes that the network fabric "is also transmitting other types of information", and that the cache

coherency is an additional type of information to be transmitted. In contrast, Khare et al. discloses a special-purpose switching element, preferably using Intel's Scalability Port, whose only function is to maintain cache coherency. Khare does not disclose or suggest that this switch is capable of transmitting any other types of information other than cache coherency related operation. Therefore, Khare does not anticipate claims 1 and 7 of the present invention, each of which requires a network switching element.

The Examiner rejects claim 8 under 35 U.S.C. §102(b) as being anticipated by Kinghorn et al. The Examiner states that Kinghorn discloses receiving a first transmission via said first port, identifying said first transmission as a time critical transmission, sending said first transmission via said second port if said second port is idle, interrupting a second transmission currently in progress via second port, transmitting a first delimiter to notify recipient of said second transmission that said second transmission is being interrupted, transmitting said first transmission via said second port, transmitting a second delimiter to notify recipient of said first and second transmissions that said first transmission has been sent and said second transmission is being resumed, transmitting the remainder of said second transmission.

This rejection is respectfully traversed. The cited reference does not teach that these actions are performed within a network switching device having a first and second port, as stated in the preamble. To better distinguish the invention, the inclusion of a network switching device has been added as a step of the claimed method.

Furthermore, the cited reference does not disclose that the first transmission is sent if the port is idle. Rather, the reference specifically states "it is therefore common practice for the transmission network to give a high priority for subtitles, in such a way that they can interrupt the transmission of a normal full teletext page". Column 1, lines 44-50. It is never taught or suggested in the reference that the subtitles would be sent at any other time, other than interspersed within teletext pages. The Examiner notes that once the current output is interrupted, then the output port is idle. To better distinguish the present invention, the claim has been amended to state that the second port is idle when the first transmission is received. This limitation eliminates the scenario suggested by the Examiner.

To further distinguish the present inventions, dependent claims 9-10 have been added.

The prior art made of record has been carefully reviewed and it is believed that the remaining prior art has been properly not relied upon in rejecting any claim.

Respectfully submitted,



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